



BOARD OF SUPERVISORS
of
MARICOPA COUNTY, ARIZONA
(and the Boards of Directors of the Flood Control
District, Library District, Stadium District,
Improvement Districts, and/or Board of Deposit)

Special Meeting Agenda
Open Session and Executive Session

Monday, September 10, 2007
9:00 a.m.

Sullivan Conference Room
Tenth Floor, 301 West Jefferson
Phoenix, Arizona

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GREEN – APPROVED / RED – DENIED / BLUE – CONTINUED
GOLD – WITHDRAWN / BROWN – NO ACTION

*One or more members may attend telephonically.
Members attending telephonically will be announced at the meeting.*

The Board may vote to recess into an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. §38-431.03(A)(3).

BOARD OF SUPERVISORS

OPEN SESSION

1. EXECUTIVE SESSION – (APPROVED)

Vote to convene in Executive Session to consider the item below, pursuant to the listed statutory authority.

EXECUTIVE SESSION

LEGAL ADVICE REGARDING AIR QUALITY AND TITLE 49 COMPLIANCE ISSUES AND POSSIBLE BUDGETARY IMPACT; ARS §38-431.03(A)(3)

- E-1.** Legal advice concerning its statutory duties and legal options pursuant to A.R.S. §49-473, related statutes concerning air quality and environmental compliance including statutes in Titles 49 and 48, and budgeting and expenditures related matters.

Tom Irvine, Outside Counsel

*David Smith, County Manager
Sandi Wilson, Deputy County Manager
Brian Hushek, Deputy Budget Director
Joy Rich, Assistant County Manager
Bob Kard, Director, Air Quality
Steve Fowers, Deputy Director, Air Quality
John Powers, Director, Environmental Services
Bob England, Director, Public Health
Diane Sikokis, Government Relations*

**Recess Executive Session and Reconvene in Open Session
in the Supervisors' Conference Room, 301 West Jefferson, 10th Floor**

BOARD OF SUPERVISORS

OPEN SESSION

2. RESOLUTION REGARDING MAG 2007 FIVE PERCENT PLAN FOR PM10 – (APPROVED)

Approve a Resolution describing Maricopa County's commitment to implement additional measures for the MAG 2007 Five Percent Plan for PM10 for the Maricopa County Nonattainment Area which is due to the Environmental Protection Agency (EPA) by December 31, 2007. Maricopa County may modify funding sources or schedules of implementation actions, if necessary.

In accordance with A.R.S. 42-17106(B), approve the transfer of revenue authority between Non-Departmental (470), Non-Departmental Grants Fund (249) and the Air Quality Department (850) Air Quality Fund (504). This action will require a revenue appropriation adjustment **decreasing** the FY 2007-08 Non-Departmental (470), Non-Departmental Grants Fund (249) by \$2,235,633 and **increasing** the FY 2007-08 Air Quality Department (850) Air Quality Fund (504) by \$2,235,633. This adjustment will result in a County-wide net financial impact of zero and will allow the Air Quality Department to increase its fee revenue to fund a portion of the Dust Control Permit Compliance Measures committed to in the MAG 5% Plan for FY 2007-08.

In accordance with A.R.S. 42-17106(B), approve the transfer of revenue authority between Non-Departmental (470), Non-Departmental Grants Fund (249) and the Air Quality Department (850) Air Quality Fund (504). This action will require a revenue appropriation adjustment **decreasing** the FY 2007-08 Non-Departmental (470), Non-Departmental Grants Fund (249) by \$127,273 and increasing the FY 2007-08 Air Quality Department (850) Air Quality Fund (504) by \$127,273. This adjustment will result in a County-wide net financial impact of zero and will allow the Air Quality Department to use fund balance to fund the remaining portion of the Dust Control Permit Compliance Measures committed to in the MAG 5% Plan for FY 2007-08.

In accordance with A.R.S. 42-17106(B), approve the transfer of expenditure authority between Non-Departmental (470), General Fund (100) Unreserved Contingency (4711) and the Air Quality Department (850) Air Quality Fund (504). This action will require an expenditure appropriation adjustment **decreasing** the FY 2007-08 Non-Departmental (470) General Fund (100)

Unreserved Contingency (4711) by \$2,235,633 and increasing the FY 2007-08 Air Quality Department (850) Air Quality Fund (504) by \$2,235,633. These adjustments will result in a County-wide net financial impact of zero and will allow the Air Quality Department to fund the Dust Control Permit Compliance Measures committed to in the MAG 5% Plan for FY 2007-08. This includes the addition of 73 FTEs, associated equipment and supplies.

In accordance with A.R.S. 42-17106(B), approve the transfer of expenditure authority between Appropriated Fund balance (480), General Fund (100) Unreserved Contingency (4811) and the Air Quality Department (850) Air Quality Fund (504). This action will require an expenditure appropriation adjustment **decreasing** the FY 2007-08 Appropriated Fund balance (480), General Fund (100) Unreserved Contingency (4811) by \$127,273 and increasing the FY 2007-08 Air Quality Department (850) Air Quality Fund (504) by \$127,273. This adjustment will result in a County-wide net financial impact of zero and will allow the Air Quality Department to fund a portion of the Dust Control Permit Compliance Measures committed to in the MAG 5% Plan for FY 2007-08 utilizing fund balance.

Also, in accordance with A.R.S. 42-17106(B), approve the transfer of expenditure authority between Appropriated Fund Balance (480) General Fund (100) General Contingency (4811) and the Air Quality Department (850) Air Quality Fund (504). This action will require an expenditure appropriation adjustment **decreasing** the FY 2007-08 Appropriated Fund Balance (480) General Fund (100) General Contingency (4811) by NTE \$3,224,780 and increasing the FY 2007-08 Air Quality Department (850) Air Quality Fund (504) by NTE \$3,224,780. These adjustments will result in a County-wide net financial impact of zero and will allow the Air Quality Department to use fund balance for one-time training, supplies and services, as well as to **increase** the vehicle fleet by a not to exceed 50 vehicles based on a usage study of the current Air Quality vehicle fleet.

Also, in accordance with A.R.S.42-17106(B), approve the transfer of expenditure authority between Appropriated Fund Balance (480) General Fund (100) General Contingency (4811) and the Air Quality Department (850) Air Quality Fund (504). This action will require an expenditure appropriation adjustment **decreasing** the FY 2007-08 Appropriated Fund Balance (480) General Fund (100) General Contingency (4811) by \$1,243,087 and increasing the FY 2007-08 Air Quality Department (850) Air Quality Fund (504) by \$1,243,087 through the use of fund balance. These adjustments will result in a County-wide net financial impact of zero and will allow the Air Quality Department to fund the Dust Control Vacant Lot Measures committed in the MAG 5% Plan for FY 2007-08. This includes the addition of 18 FTEs, associated equipment and supplies, as well as increasing the vehicle fleet by a not to exceed 17 vehicles based on a usage study of the current Air Quality vehicle fleet.

Also, pursuant to A.R.S. § 42-17106(b), approve the transfer of revenue and expenditure authority between Non-Departmental (470), Non-Departmental Grants Fund (249) and the Planning and Development Department (440) Planning and Development Fee Fund (226). This action will require a revenue appropriation adjustment **decreasing** the FY 2007-08 Non-Departmental (470) Non-Departmental Grants Fund (249) by \$680,000 and increasing the FY 2007-08 Planning and Development Department (440) Planning and Development Fee Fund (226) by \$680,000. This action will also require an expenditure appropriation adjustment **decreasing** the FY 2007-08 Non-Departmental (470), General Fund (100) Unreserved Contingency (4711) by \$100,680 and increasing the FY 2007-08 Planning and Development Department (440) Planning and Development Fee Fund (226) by \$100,680. These adjustments will result in a County-wide net financial impact of zero and will allow the Planning and Development Department to fund 5 FTEs phased in during FY 2007-08 as their commitments to the MAG 5% Plan.

Also, pursuant to A.R.S. § 42-17106(b), approve the transfer of expenditure authority between Appropriated Fund Balance (480) General Fund (100) General Contingency (4811) and the Planning and Development Department (440) Planning and Development Fee Fund (226). This action will require an expenditure appropriation adjustment **decreasing** the FY 2007-08 Appropriated Fund Balance (480) General Fund (100) General Contingency (4811) by \$92,500 and increasing the FY 2007-08 Planning and Development Department (440) Planning and Development Fee Fund (226) by \$92,500. These adjustments will result in a County-wide net financial impact of zero and will allow the Planning and Development Department to **increase** their fleet by up to 5 vehicles using fund balance.

Also, direct the Office of Management and Budget to review and recommend annualized target adjustments beginning with the FY 2008-09 budget process. Further administrative staff may be necessary and will be scoped out at a later date. Preliminary indications are that costs may be as much as \$800,000. (8508004600)